



Djibouti

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In April 1999, Djibouti elected its second president since gaining independence from France in 1977. Ismael Omar Guelleh, the candidate of the ruling party, the People's Rally for Progress (RPP), won the election with 74 percent of the vote. Opposition candidate Moussa Ahmed Idriss, of the Unified Djiboutian Opposition (ODU), received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the election. The ODU later challenged the results based on election "irregularities" and the assertion that "foreigners" had voted in various districts of the capital; however, international and locally based observers considered the election to be generally fair and cited only minor technical difficulties. Guelleh took the oath of office as President in May 1999, with the support of an alliance between the RPP, which has been the ruling power since independence, and the government-recognized section of the Afar-led Front for the Restoration of Unity and Democracy (FRUD). Two main ethnic groups hold most political power: Somali Issas (the tribe of the President) and Afars. Citizens from other Somali clans (Issak, Gadabursi, and Darod), and those of Yemeni and other origins, are limited unofficially in their access to top government positions. In 1994 the Government and a faction of the FRUD signed a peace accord, ending 3 years of civil war. In the accord, the Government agreed to recognize the FRUD as a legitimate political party. The Government named two FRUD leaders to Cabinet positions in 1995. In 2000 the Government and the faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. On May 12, the two sides signed the final peace agreement, officially ending the more than decade-long civil war between the Government and the armed faction of the FRUD, and laying the groundwork for this faction's participation in the Government. Two other legal political parties have existed since 1992, the National Democratic Party (NDP) and the Party for Democratic Renewal (PRD); neither holds a parliamentary seat or a cabinet level post. In 1997 the ruling party coalition that includes the FRUD party won all 65 seats in legislative elections, which took place without international observers and amid opposition claims of massive fraud. The judiciary is not independent of the executive.

The 8,000-member National Police Force (FNP) is responsible for internal security and border control and is overseen by the Ministry of Interior. The Ministry of Defense oversees the army. The Gendarmerie Nationale, a police force responsible for the President's security, is an autonomous unit under the Ministry of Defense. A small intelligence bureau reports directly to the President. Civilian authorities generally maintain effective control of the security forces, but there were instances in which the security forces acted independently of the Government's authority. Some members of the security forces committed human rights abuses.

The country has little industry and few natural resources. Services provide most of the national income; its population is estimated at 650,000. Minor mineral deposits remain mostly unexploited. Only one-tenth of the land is arable and only 1 percent is forested. Outside the capital city, the primary economic activity is nomadic subsistence. Citizens are free to pursue private business interests and to hold personal and real property. The part of the annual gross domestic product not generated by and for the foreign community, which includes approximately 8,000 French citizens, is estimated at no more than \$250 (44,000 DF) per capita annually. Unusually low rainfall caused drought conditions that negatively affected some of the population. The Government only paid the salaries of teachers, security forces, and civil servants sporadically during the year, and they were owed 6 months' worth of wages by year's end.

The Government's human rights record remained poor, and serious problems remain. The 1999 presidential elections were considered generally fair; however, the 1997 parliamentary elections took place amid claims of massive fraud, and the RPP continued to control the political system to suppress organized opposition. Members of the security forces continued to commit extrajudicial killings. There were credible reports that security forces beat, otherwise abused, and at times tortured detainees, and raped female inmates. There were credible reports that police beat protesters. Prison conditions remained harsh. The Government

continued to harass and intimidate political opponents, and to arrest and detain persons arbitrarily. Prolonged detention and incommunicado detention remained problems. The judiciary is not independent of the executive and does not ensure citizens' due process. The Government infringed on citizens' privacy rights. The Government at times restricted freedom of the press. The Government limited freedom of assembly, used force to disperse demonstrations and strikes, and restricted freedom of association. While the Government respected freedom of religion in general, it discouraged proselytizing. There were some limits on freedom of movement. The Government remained antagonistic to the formation of human rights groups. Violence and discrimination against women persisted, and the practice of female genital mutilation (FGM) continued to be widespread. Discrimination on the basis of ethnicity and clan background persisted. The Government restricted unions and harassed and intimidated their leaders. Child labor exists.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces committed several extrajudicial killings. On February 17, a police officer shot and killed Mohamed Assa Ali, who was with some friends in an alley behind the officer's home; the officer apparently mistook him for a suspected criminal. No known action was taken against the responsible officer by year's end.

On February 25, police shot and killed Asari Mohamed Moussa; the reason was unknown at year's end. No known action was taken against the responsible officer by year's end.

On June 13, soldiers from a military camp located near Hol-Hol refugee camp killed one refugee and injured three others following an argument over use of a well. Military headquarters was investigating the incident at year's end.

The Government has not used landmines since signing the Mine Ban Treaty in 1997; however, the armed wing of the FRUD used landmines during its conflict with the Government. Both parties signed a peace accord in February 2000 and a final peace agreement on May 12, and demining efforts in the areas in which the FRUD operated have been ongoing during the year. FRUD was cooperating with the Government to locate landmines laid in northern areas of the country. Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. There were no confirmed reports of deaths due to landmines during the year.

No action was taken against the members of the security forces responsible for the following killings in 2000: The December killings of 9 persons when approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government (see Sections 1.c., 1.d., and 3); the October killing of a demonstrator; the June killing of Daher Guedi Fourreh, the nephew of Moumin Bahdon Farah, the leader of the opposition party Groupe pour la Democratie et Republique (GDR).

There were no reports of any action, nor is any likely against members of the security forces responsible for the following killings in 1999: The September killing of one person by police attempting to arrest Moussa Ahmed Idriss; the August killing of eight persons in Tadjourah district when an army helicopter exploded; the April killings of Abdallah Ahmed Mohamed Rebeh, Moussa Abdallah, Ahmed Yagouri, and Ali Mohamed Ali "Derbi;" and the March death of a political detainee in the main prison.

In March 1999, the Paris-based Association for the Respect of Human Rights in Djibouti (ARHRD) and an unidentified citizen presented a complaint in a French court against former President Gouled and President Guelleh alleging human rights violations, including summary executions. The complaint listed a series of human rights abuses and judicial abuses dating back to 1995. No action was known to have been taken by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

In 1999 police detained an Ethiopian guard at a private residence, allegedly because he was an illegal immigrant. The guard never was found, and the police are unlikely to investigate this case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there continued to be credible reports that police and gendarmes beat, physically abused, and at times tortured prisoners and detainees. Torture is punishable by 15 years' imprisonment.

On January 27, police used tear gas and clubs to disperse a group of striking union workers (see Section 6.a.).

On May 1, police used tear gas to disperse a gathering of workers celebrating May Day (see Section 1.d.).

On October 10, police used tear gas to disperse an unruly demonstration by 800 high school students; there were no reports of injuries.

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord. There were no confirmed reports of injuries due to landmines during the year.

There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners arrested and detained in December 2000.

There also was no known action taken against members of the security forces responsible for injuring several persons in the following 2000 cases: The December injuring of 10 persons during a clash between police and Gendarmerie; and the October police shooting and injuring several demonstrators.

There was no known action taken, nor is any action likely to be taken, against members of the security forces responsible for torturing, beating, or abusing the persons in the following 1999 cases: The May reported beating of a civilian after he refused to walk on a landmine; the April reported torture of Saleh Mohamed Dini while in custody; the April reported physical abuse of approximately 20 Afars while in detention in Obock district; and the rape case of Zenaba Agoden.

In 1999 an unidentified citizen in conjunction with the ARHRD presented a claim in a French court against President Guelleh and former President Gouled, alleging that he had been detained arbitrarily and tortured, and had suffered physical and psychological damage as a result. There were no reported developments in the case at year's end.

In previous years, there have been credible reports that security force personnel raped at least 120 Afar women in the northern districts of Obock and Tadjourah (see Section 5). In almost all of the cases, the victims did not press charges due to shame and fear. There were no reported cases of rape of Afar women by security forces during the year, and there were no developments in the 1999 rape case of Zenaba Agoden.

In 2000 unknown persons beat and robbed the cousin of Ali Dahan, a FRUD official, several days after the delegation of FRUD leaders returned to the country (see Sections 2.d. and 3); Dahan was residing at his cousin's residence. The perpetrators were unidentified at year's end.

On April 4, police arrested Aden Robleh Awaleh, president of the opposition National Democratic Party (PND), pending trial for the 1990 bomb attack at the Cafe de Paris restaurant. On April 9, a criminal court found him and the four other defendants guilty. The court gave Awaleh a 6-year suspended sentence. Two others, Mohamed Hasan Farah and Abdi Bouh Aden, who had been in detention since 1993, were sentenced to 8 years, including time served. Another defendant, Mohamed Ali Arreyteh, detained since 1995, was sentenced to 6 years, including time served. The final defendant, Awalleh Guelleh Assoweh, was tried in absentia and sentenced to life imprisonment.

Prison conditions are harsh, and overcrowding is severe. Gabode prison, built for 350 persons, at times housed nearly twice that number. The Government sometimes shortens prison terms to reduce overcrowding. The Ministry of Justice estimates that 60 percent of prisoners are illegal Ethiopian immigrants who have committed crimes in the country, but that the majority of the more than 200 prisoners in Gabode prison at year's end were citizens. Prisoners reportedly must pay authorities to obtain food. Several prisoners were reported to be suffering from untreated illnesses or gunshot wounds received during arrest. Medical care is inadequate, and the prison infirmary lacks sufficient medication. There are no educational or rehabilitation facilities within the prison. The lack of funding hampers the ability of Ministry of Justice officials to provide even minimal services.

Women and men are detained in separate cells. Health care sources reported that prison guards raped female inmates. Children of female inmates under the age of 5 sometimes are allowed to stay with their mothers;

authorities say that milk is provided for them. In principle juveniles are housed separately from adult prisoners; however, in practice this is not always the case. Pretrial detainees usually are not held separately from convicted prisoners.

There were no known developments, nor are there likely to be any developments, in the 1999 case of the death in prison of Abdi Houfaneh Liban.

An International Committee of the Red Cross (ICRC) delegate from Kenya made quarterly visits to the main prison. During the year, the ICRC visited the detained police officers who were accused of plotting to overthrow the Government in December 2000 (see Section 1.d.). The president of the Djiboutian Human Rights League (LDDH) was granted permission to visit prisoners in Gabode Prison in 2000.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention; however, the Government does not observe these prohibitions. The law stipulates that the State may not detain a person beyond 48 hours without an examining magistrate's formal charge. Detainees may be held another 24 hours with the prior approval of the public prosecutor. All persons, including those accused of political or national security offenses, must be tried within 8 months of arraignment; however, the police occasionally disregarded these procedures, typically arresting persons without warrants, and sometimes detaining them for lengthy periods without charge. Incommunicado detention is used. The law provides for bail and expeditious trial. However, two persons in detention—one since 1993 and another since 1995 for a bomb attack—were not tried until April (see Section 1.c.)

On January 15, an opposition newspaper editor was arrested on charges of defamation and dissemination of false information (see Section 2.a.). On June 11, the same editor and two other persons were arrested for publishing false information (see Section 2.a.).

On January 27, police detained for 2 days 57 strikers in Nagad Detention Center (see Section 6.a.).

On May 1, after using tear gas to disperse a gathering of workers celebrating May Day, police detained several dozen workers at Nagad Detention Center for 24 hours (see Section 6.a.).

On May 8, the police detained and questioned for 3 hours Hasna Moumin, President of the Women's and Children's Affairs section of the LDDH, after she signed a petition calling on the Government to forego international assistance.

Conditions at Nagad detention center, where Ethiopians and Somalis are held prior to deportation, also are extremely harsh. Detainees at Nagad are held in unsanitary conditions and often are not fed for several days before their deportation (see Section 2.d.).

In December 2000, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopians (see Sections 1.c., 1.f., 2.d., and 5); many of those detained were deported from the country by year's end. There were no reports that undocumented Ethiopians arrested in 2000 remained in detention at year's end.

In March 2000, Abdoufatah Moussa Ahmed, the son of opposition leader Moussa Ahmed Idriss, was sentenced to 3 years' imprisonment and a fine of \$129,980 (23 million DF) for misappropriation of public funds. He had been in provisional detention since June 22, 1999. He was released in April 2000, and his appeal of the sentence was pending at year's end.

There were no developments in the case of Saleh Mohamed Dini, chief of Mabla, who was arrested in April 1999 allegedly for insulting the President. He remained in detention pending trials at year's end.

The law prohibits forced exile; however, some released citizen prisoners are pressured to go overseas, most often to France.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary is not independent of the executive. Constitutional provisions for a fair trial are not respected universally, even in nonpolitical cases, because of interference from the executive branch. The Minister of Justice is responsible officially for human

rights.

The judiciary, based on the French Napoleonic code, is composed of a lower court, appeals courts, and a Supreme Court. The Supreme Court can overrule decisions of the lower courts. Magistrates are appointed for life terms. The Constitutional Council rules on the constitutionality of laws, including those related to the protection of human rights and civil liberties; however, its rulings are not respected always.

The legal system is based on legislation and executive decrees, French codified law adopted at independence, Shari'a law, and nomadic traditions. Urban crime is dealt with in the regular courts in accordance with French-inspired law and judicial practice. Civil actions may be brought in regular or traditional courts. Shari'a law is restricted to civil and family matters. The Government promulgated a new law on judicial organization in 2000, which included the establishment of a National Committee for the Promotion and Protection of Human Rights and provided for the separation of the court system from the Ministry of Justice; however, the law was not implemented by year's end.

Traditional law (Xeer) often is used in conflict resolution and victim compensation. For example, traditional law often stipulates that a blood price be paid to the victim's clan for crimes such as murder and rape.

The Constitution states that the accused is innocent until proven guilty and has the right to legal counsel and to be examined by a doctor if imprisoned. Although trials officially are public, in politically sensitive cases security measures effectively prevent public access. Legal counsel is supposed to be available to the indigent in criminal and civil matters; however, defendants often do not have legal representation. Court cases are heard in public before a presiding judge and two accompanying judges. The latter receive assistance from two persons, lay assessors, who are not members of the bench, but who are thought to possess sufficient legal sophistication to comprehend court proceedings. The Government chooses lay assessors from the public at large, but credible reports indicate that political and ethnic affiliations play a role in the selection.

In June human rights attorney Aref Mohamed Aref was readmitted to the bar. He and his colleague, Djama Amareh Meidal, had been disbarred for alleged irregularities in their representation of a client in a 1994 commercial dispute. Meidal remained disbarred at year's end.

In November 2000, the Government sponsored a series of judicial assessment workshops to analyze the judicial system and to propose recommendations for strengthening the judiciary. The Government invited representatives from all opposition parties (see Section 3); however, some opposition leaders refused to participate because they had been invited in their personal capacity and not as political party leaders. The final workshop report and recommendations were not completed by year's end.

In November 2000, in honor of Ramadan, the Government announced that the President had signed a decree approved by the Council of Ministers, which granted a general amnesty to all prisoners serving sentences of 2 years or less, and reduced the sentences by 6 months of all prisoners serving sentences of more than 2 years. By the end of 2000, the Government had released 201 prisoners in accordance with the amnesty. During the year, in honor of the holy month of Ramadan, 80 prisoners were granted amnesty. On September 6, the Government proposed an amnesty bill for five former RPP leaders, paving the way for their return to politics. The amnesty bill was pending approval before the National Assembly at year's end (see Section 3).

On June 7, General Yacin Yabeh Galab, former chief of police, was given a provisional release from prison for health reasons. He remained at liberty at year's end. Yacin, along with 11 other police officers, was arrested for his participation in the December 2000 attempt to overthrow the Government. On August 12, the criminal court ordered that two police officers, Major Fathi Mohamed Guelleh and Officer Bouh Ahmed Omar, who also were arrested in connection with the attempt, be released from prison due to insufficient evidence against them. The court initially released a third officer, Colonel Mohamed Abdillahi God, for the same reasons, but he was rearrested several hours later (see Section 3). At year's end, he remained in detention pending trial.

In April two defendants, one in detention since 1993 and another since 1995, were tried; a third defendant was tried in absentia (see Section 1.c.).

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, the Government does not respect these prohibitions in practice. The law requires that the authorities obtain a warrant before conducting searches on private property; however, in practice the Government does not always obtain warrants before conducting such searches, and it

reportedly monitors and sometimes disrupts the communications of some Government opponents.

There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners (mostly Ethiopians) arrested and detained in December 2000 (see Sections 1.c., 1.d., 2.d., and 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, at times the Government restricted these rights in practice. The law prohibits the dissemination of false information and regulates the publication of newspapers. The Constitution prohibits slander.

The Government owns the principal newspaper, *La Nation*, which publishes biweekly. There are several opposition-run weekly and monthly publications that circulate freely and openly criticize the Government.

On January 15, police arrested Daher Ahmed Farah (also known as DAF), president of the opposition Party for Democratic Renewal (PRD), for publishing an article critical of a government decision to move forcibly fruit vendors to a new area; publication of the newspaper *Le Renouveau* was suspended. DAF was charged with defamation and dissemination of false information and was released on his own recognizance after 7 hours. On March 31, the court found DAF not guilty of defamation, but guilty of disseminating false information. The court ordered him to pay a fine of \$1,695 (300,000 DF) and suspended publication of *Le Renouveau* for 3 months, retroactive to January 15. *Le Renouveau* began publishing again in April.

On June 11, the police again arrested DAF for receiving and publishing false information in the June 4 issue of *Le Renouveau*. The article questioned the legality of a monetary advance of \$33,908 (6,000,000 DF) allocated to the Minister of Finance. The police also arrested Hachi Abdillahi Ahmed and Mohamed Sougueh Waiss, employees of the National Treasury, and charged them with providing the information to DAF. The three were released after spending 14 hours in prison and were ordered to appear in court. On June 9, the Government published a presidential decree, dated October 1, 2000, authorizing the advance. On June 12, Ahmed, Waiss, plus two additional Treasury employees, Abdoukader Abdillahi Abane and Ahmed Khaireh Rayaleh, were forbidden access to the Treasury. On June 16, Anissa Barkat Soubagleh, an employee in the office of the Deputy Director of Receipts at the Ministry of Finance and DAF's wife, was suspended from her job.

In 2000 the Government banned the importation and sale of the Somaliland newspapers *Jamhuuriya* and *The Republican*, and the ban remained in effect at year's end.

The Government also owns the radio and television stations. The official media generally are uncritical of government leaders and government policy. In 2000 the British Broadcasting Corporation (BBC) began broadcasting its World Service in the country in conjunction with Radio-Television Djibouti (RTD), the official government station. The BBC and RTD broadcast 24 hours a day in four languages on the radio. Radio France Internationale also broadcasts in the country.

The country has one Internet service provider, which is owned by the Government.

There are no specific laws or criminal sanctions that threaten academic freedom. In general teachers may speak and conduct research without restriction, provided that they do not violate sedition laws.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Ministry of Interior requires permits for peaceful assembly and monitors opposition activities. While permits generally are approved, the Government commonly uses a show of police force and threatening tactics to intimidate and discourage potential demonstrators. Some opposition leaders effectively practiced self-censorship and, rather than provoke a government crackdown, refrained from organizing popular demonstrations.

After the September 11 terrorist attacks in the U.S., the Minister of Interior stated on television that public demonstrations would not be permitted for security reasons.

On January 27, police forcibly dispersed a group of striking union workers (see Section 6.a.).

On May 1, police used tear gas to disperse a gathering of workers celebrating May Day.

On October 10, police used tear gas to disperse a demonstration of unruly high school students; there were no reports of injuries.

No action was taken against the members of the security forces who forcibly dispersed demonstrations in October 2000.

The Constitution provides for freedom of association provided that certain legal requirements are met; however, the Government restricts this right in practice. A 1993 referendum approved limiting the number of political parties to four; however, this result has not yet been codified into law.

Nonpolitical associations must register and be approved by the Ministry of Interior. The LDDH said that it was registered by the Minister of Interior.

c. Freedom of Religion

The Constitution, while declaring Islam to be the state religion, provides for freedom of religion, and the Government generally respects this right in practice; however, proselytizing is discouraged.

Although Islam is the state religion, the Government imposes no sanctions on those who choose to ignore Islamic teachings, or practice other faiths. More than 99 percent of the population is Sunni Muslim.

The Qadi is the country's senior judge of Islamic law and was appointed by the Minister of Justice in June 1999. His predecessor was named Minister of State for Charitable and Religious Affairs under the Ministry of Justice--a position that was created in May 1999, when President Guelleh formed his Cabinet and declared that Islam would be a central tenet of his Government.

Islamic law based on the Koran is used only with regard to family matters and is administered by the Qadi. Civil marriage is permitted only for non-Muslim foreigners. Muslims are required to marry in a religious ceremony, and non-Muslim men may marry a Muslim woman only after converting to Islam.

The Government requires that religious groups be registered. There were no reports that the Government refused to register any religious groups.

There is no legal prohibition against proselytizing; however, proselytizing is discouraged. Unlike in the previous year, there were no reports that members of the Baha'i Faith were detained and questioned by the police for possible proselytizing activities.

There were credible reports that the police targeted Ethiopian Pentecostal Christians living illegally in the country when conducting the apprehension and deportation of illegal aliens in December 2000.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government at times limits these rights in practice. For example, a judge may order a passport seized for those under judicial surveillance or awaiting trial. On August 3, airport police prevented PRD president DAF from boarding a despite his having received permission from the court to depart (see Section 2.a.). It was unclear why DAF was refused permission to leave. However, in October DAF was permitted to attend a conference in Lebanon. During the year, Ali Dahan and Aden Robleh Awaleh, who were denied passports in 2000, were issued passports.

Landmines laid by the Government and FRUD forces in the 1990's remain in some areas of the country, especially in areas controlled by the FRUD prior to the peace accord, and landmines laid in Tadjoura and Obock districts restricted freedom of movement (see Section 1.a.).

Customary law, which is based on Shari'a (Islamic law), discriminates against women (see Section 5). Women are not permitted to travel without the permission of an adult male relative.

On April 15, following a commercial dispute, the Government closed its border with Somaliland, including land, sea, and air routes, as well as all telecommunications; however, the border reopened on October 22.

The law provides for the granting of refugee and asylum status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government offers first asylum; however, the government committee responsible for determining refugees' status has not met since 1995. While the Government officially does not recognize those refugees under the protection of the U.N. High Commission for Refugees (UNHCR) absent this approval, the refugees are permitted to remain in the country.

The country hosts up to 100,000 refugees and illegal immigrants from neighboring countries, equal to approximately one-fifth of the population. The UNHCR assists more than 21,000 Somali and Ethiopian residents of the two remaining refugee camps. Approximately 2,500 Ethiopian and Somali urban refugees are registered with the UNHCR office in Djibouti City.

In 2000 the UNHCR repatriated more than 1,700 Ethiopian refugees who had fled to the country in 1984-85 and ceased to register Ethiopians as refugees. In previous years, the Djiboutian National Office for the Assistance of Refugees and Displaced Persons reported that it deported up to a thousand Ethiopians each week. Although the number of deportations still was believed to be high, no figures were available during the year.

There are reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

In December 2000, gendarmes and police arrested and detained approximately 5,000 undocumented foreigners, most of whom were Ethiopian (see Sections 1.c., 1.d., 1.f., and 5). Police and gendarmes cordoned off entire neighborhoods and conducted house to house searches for these persons. Although unconfirmed, there were widespread reports that police beat, raped, or stole personal property from those who were arrested and detained. Many of those detained were deported from the country by the end of 2000.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their Government, and citizens exercised this right through a generally democratic process in presidential elections held in 1999.

The RPP candidate Ismael Omar Guelleh, the designated successor of former President Hassan Gouled Aptidon, won the 1999 election with 74 percent of the vote. The ODU candidate Moussa Ahmed Idriss received 26 percent of the vote. For the first time since multiparty elections began in 1992, no group boycotted the vote. Although Moussa Ahmed Idriss and the ODU challenged the results, alleging election "irregularities" and asserting that "foreigners" voted in various districts of the capital, international and domestic observers considered the election to be generally fair and transparent, citing only minor irregularities. All 5 of the districts were visited by at least 1 of the 22 international observers on election day. Observers representing the Arab League, the International Organization of Francophone States (La Francophonie), and the OAU issued a joint communique that expressed satisfaction with the transparency of the election, citing only minor technical problems. Representatives of both candidates were present in virtually all voting stations, and there was no ethnic strife among Afars, Yemenis, and Somalis. Large numbers of persons of all communities supported both candidates.

In the December 1997 legislative elections, the RPP alliance with the legal FRUD party won all 65 seats. The elections took place without international observers amid opposition claims of fraud.

The RPP, which has been in power since independence in 1977, continues to rule the country. The RPP also continues to control carefully the implementation of the four-party system to suppress any organized opposition. Previous efforts by both the legal and unrecognized opposition parties to unify also floundered due to disagreements among their leaders over who should lead a unified opposition. There is no independent election commission.

The 1994 peace agreement between the Government and the FRUD required that FRUD members be included in senior government positions. Two FRUD members were named to the Cabinet in 1995, and in 1999 two new FRUD members were appointed to the Cabinet: A former FRUD military commander was appointed to the Defense portfolio and another FRUD member assumed the Health portfolio. The government-recognized faction of the FRUD was registered as a political party in 1996. In 2000 the Government and the

faction of the FRUD that had rejected the 1994 peace accord signed a new peace accord, ending FRUD opposition to the Government. On May 12, the two sides signed the final peace treaty, officially ending the more than a decade-long civil war, and laying the groundwork for this faction of the FRUD to participate in the Government.

Government harassment of opposition leaders continued to be a problem; however, the number of incidents reportedly decreased during the year. DAF, president of the PRD, was arrested twice during the year (see Sections 2.a. and 2.d.). On September 6, the Government proposed an amnesty bill for five former RPP leaders, paving the way for their return to politics. In 1996 the five, Moumin Bahdon Farah, Ahmed Boulaleh Barreh, Ali Mahamade Houmed, Ismael Guedi Hared, and Abdillahi Guireh Rayaleh, were accused of insulting former president Hassan Gouled Aptidon and sentenced to 6 months in prison and a large fine. The amnesty bill was pending approval before the National Assembly at year's end.

In December 2000, approximately 150 police officers, led by Police Chief Yacin Yabeh Galab, attempted to overthrow the Government; 10 persons were killed and more than 10 others were injured during clashes in front of the presidential offices between the police and gendarmes, who were supporting the President. The coup followed months of nonpayment of police salaries by the Government and rumors that the President had fired Yacin. On December 9, 2000, police arrested and detained Yacin and 12 others for attempting to overthrow the President. On December 13, 2000, the magistrate in charge of the investigation charged the 13 with conspiracy and breach of state security and cited them with calling on citizens to take up arms illegally, carrying and making use of weapons of war, and damaging public property. On December 14, 2000, the President replaced Yacin as Police Chief with Colonel Ali Hassan. On June 7, former Police Chief Yacin Yabeh Galab, was given a provisional release from prison for health reasons, pending trial (see Section 1.e.). On August 12, the criminal court ordered the release of two other officers due to insufficient evidence (see Section 1.e.). The other 10 police officers remained in detention at Gabode Prison pending trial at year's end.

The percentage of women in government and politics does not correspond to their percentage of the population. Women generally have been excluded from senior positions in government and in the political parties even though they legally are entitled to participate in the political process. No women served in the legislature. In 1999 the President announced the appointment of the first female minister to his cabinet. Hawa Ahmed Youssouf serves as Minister of State for the Promotion of Women's, Family, and Social Affairs, and reports to the Prime Minister. Khadija Abeba, President of the Supreme Court, is the highest-ranking female official and, according to the Constitution, would become interim President should that position become vacant.

The percentage of minorities in government and politics does not correspond to their percentage of the population. The President's subclan, the Issa Mamassans, wields disproportionate power in affairs of state. Afars hold a number of high Ministerial posts; however, they are not well represented at lower levels. Somali clans other than the Issa and Djiboutians of Yemeni origin are limited unofficially to one ministerial post each, which they hold. There also are informal limits on the number of seats for each group in the Parliament.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government does not support the formation of local human rights groups. The Association for the Defense of Human Rights and Liberties (ADDHL), which ceased operations in 1997, briefly resumed activity as a progovernment organization in 1998; however, it has not resumed its investigations into, or criticisms of, human right abuses. The LDDH operated without government interference during the year. The Union of Djiboutian Women (UNFD) and the Djiboutian Association for the Promotion of the Family (ADEPF) promote the rights of women and children. The Committee in Support of Political Prisoners (CSPP) was formed in February 1998. The Committee's goal is to publicize the plight of political prisoners and mobilize support for the improvement of prison conditions and for the release of political prisoners.

The ICRC maintains a small office that is staffed with locally hired personnel. The ICRC regional representative, who is based in Nairobi, makes quarterly visits.

In 2000 the Government permitted a visit by a delegation of the Organization of African Unity (OAU) Human Rights Committee for the first time. The delegation met with senior government officials and had free access to prisons and human rights groups.

There is a government ombudsman, whose specific responsibilities are not well known. In 2000 the Government promulgated a new law on judicial organization, which included the establishment of a National Committee for the Promotion and Protection of Human Rights; however, there was no action establishing the Committee by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination on the basis of language, race, sex, or religion; however, discrimination against women and ethnic minorities persists. In particular the Government's enforcement of laws to protect women and children is ineffective.

Women

Domestic violence against women exists but reported cases are few. Violence against women normally is dealt with within the family or clan structure rather than in the courts. The police rarely intervene in domestic violence incidents, and the media report only the most extreme examples, such as murder. The Government remained concerned about the problem of rape, and the law includes sentences of up to 20 years' imprisonment for rapists. The number of such cases prosecuted during the year was unknown.

Unlike in previous years, there were no reports that soldiers raped Afar women during the year (see Section 1.c.).

It is believed that as many as 98 percent of females more than 7 years of age have undergone FGM, which is condemned widely by international health experts as damaging to both physical and psychological health. FGM traditionally is performed on girls between the ages of 7 and 10. In 1988 the Union of Djiboutian Women (UNFD) began an educational campaign against infibulation, the most extensive and dangerous form of FGM. The campaign has had only a limited impact on the prevalence of this custom, particularly in rural areas, where it is pervasive. After the 1995 U.N. Women's Conference in Cairo, Egypt, the UNFD declared that all forms of mutilation should be forbidden. The law states that "violence causing genital mutilation" is punishable by 5 years' imprisonment and a fine of more than \$5,650 (1 million DF). However, the Government has not yet convicted anyone under this statute. The efforts of the UNFD and other groups appeared to be having some effect, at least in the capital city. In 1997 some health workers reported a precipitous drop in the number of hospitalizations related to FGM in Djibouti City. Many believe that the incidence of infibulation has decreased, although no systematic data were available on the problem. U.N. and other experts believe that lesser forms of FGM still were practiced widely and that infibulation still was common in rural areas.

Women legally possess full civil rights, but custom and traditional societal discrimination in education dictate that they play a secondary role in public life and have fewer employment opportunities than men. Few women work in managerial and professional positions; women largely are confined to trade and secretarial fields. Customary law, which is based on Shari'a (Islamic law), discriminates against women in such areas as inheritance, divorce, and travel (see Sections 2.c. and 2.d.). Male children inherit larger percentages of an estate than do female children. The few women who are educated increasingly turn to the regular courts to defend their interests.

Children

The Government devotes almost no public funds to the advancement of children's rights and welfare. A few charitable organizations work with children. Primary education is compulsory; however, the Government does not monitor compliance. The Government provides public education for free; however, there are extra expenses that may be prohibitive to poorer families, such as transportation, book fees, and chalk. Many schools are in poor condition and need upgrading. The number of classrooms for secondary students is inadequate, and only approximately 20 percent of children who start secondary school complete their education. More than 53 percent of the population is illiterate: Only 32 percent of girls are literate compared with 60 percent of boys. Only 62 percent of girls attend primary school compared with 73 percent of boys, and only 23 percent of girls attend secondary school compared with 33 percent of boys. Girls made up only 36 percent of all secondary students. In 1999 the Government reaffirmed its 1998 commitment to increase the number of female students in the educational system to 50 percent; however, there was no change in the number of female students or the literacy rate by year's end.

Child abuse exists; however, except for FGM, it is not thought to be common. FGM is performed on as many as 98 percent of young girls (see Section 5, Women).

The Government has not addressed child abuse, which often is punished lightly; for example, when a child is raped or abused, the perpetrator usually is fined an amount sufficient to cover the child's medical care. The Government has not used applicable existing provisions of the Penal Code to deal with child abuse more severely.

Child labor exists (see Section 6.d.).

Persons with Disabilities

The Government does not mandate accessibility to buildings or government services for persons with disabilities. Although persons with disabilities have access to education and public health facilities, there is no specific law that addresses the needs of persons with disabilities, and there are no laws or regulations that prevent job discrimination against persons with disabilities. Persons with disabilities have difficulty finding employment in an economy where at least 60 percent of the able-bodied adult male population is underemployed or jobless.

National/Racial/Ethnic Minorities

The Government continued to discriminate against citizens on the basis of ethnicity in employment and job advancement. Somali Issas are the majority ethnic group and control the ruling party, the civil and security services, and the military forces. Discrimination based on ethnicity and clan affiliation limited the role of members of minority groups and clans, particularly the Afar minority ethnic group, in government and politics.

The Government conducted periodic roundups of undocumented foreigners, which usually targeted Ethiopians and noncitizen Somalis. There was no known action taken against members of the security forces responsible for raping, beating, or stealing from the approximately 5,000 undocumented foreigners (mostly Ethiopians) arrested and detained in December 2000 (see Sections 1.a., 1.d., and 2.d.). The Government blames undocumented foreigners for the country's economy, unemployment rate, and rising crime.

Section 6 Worker Rights

a. The Right of Association

Under the Constitution, workers are free to join unions and to strike provided that they comply with legally prescribed requirements; however, the Government restricts these rights. In 1999 the Government took control of the two largest labor federations, the General Union of Djiboutian Workers (UGTD) and the Union of Djiboutian Workers (UDT). Police broke into UDT offices and confiscated banners and the public address system that were to have been used in Labor Day ceremonies, and the Government dictated the election of its supporters to head the UDT and UGTD and took possession of union offices. The International Labor Organization (ILO) and the International Confederation of Free Trade Unions (ICFTU) criticized the Government's actions. In 1999 the ILO reported that the situation of the country's unions had "gravely deteriorated." In response to ILO and ICFTU criticisms, the Government agreed to hold new elections; however, union officials were not given any date, and the fired union leaders were not reinstated by year's end.

The ILO rejected the credentials of government officials claiming to represent the UDT and UGTD at several international conferences.

Prior to the Government takeover, approximately 70 percent of workers in the small formal economy were members of the UDT or UGTD; however, since the takeover, there have been almost no independent union activities. The Djiboutian Labor Congress (CIDJITRA), composed of Ministry of Labor officials, created by the Government to counter the UDT and UGTD, did not appear to exist any longer. According to the ICFTU, "trade union freedoms now exist only on paper." The Government "has created a collective of grassroots trade unions, whose affiliates do not include one single representative organization with elected officials."

The law requires representatives of employees who plan to strike to contact the Ministry of Interior 48 hours in advance. The Government paid the salaries of teachers, security forces, and civil servants sporadically throughout the year; however, their salaries remained 6 months in arrears by year's end. During the year, there were occasional demonstrations by teachers and other civil servants protesting salary arrears. The demonstrations generally took place on Thursday mornings and peacefully dispersed after 1 or 2 hours. Kamil Hassan, a schoolteacher, who previously had been detained in 1997 as a leader of a teacher's strike, still was not permitted to teach in public schools.

On January 27, police arrested 60 members of the Union of Buildings and Public Works Workers who were striking to protest the dismissal of 26 workers by the Ministry of Transport. Police used tear gas and clubs to break up the strike. The strikers remained in Nagad Detention Center for 2 days.

In 2000 the ILO Conference Committee on the Application of Standards cited the country for its failure to address specific issues of labor law reform outlined by the ILO.

At its 2000 annual conference, the ILO urged the Government to enact the labor resolutions that it had signed in 1998. The ILO noted ongoing abuses by the Government in forbidding union meetings and preventing union officials from receiving their mail. The ILO Committee of Experts report released during the year indicated that little progress had been made.

The law permits unions to maintain relations and exchanges with labor organizations abroad, and the Government does not restrict such contact. The UDT is a member of the International Confederation of Free Trade Unions.

b. The Right to Organize and Bargain Collectively

Although labor has the legal right to organize and bargain collectively, collective bargaining rarely occurs. Relations between employers and workers are informal and paternalistic. Wage rates generally are established unilaterally by employers on the basis of Ministry of Labor guidelines. In disputes over wages or health and safety problems, the Ministry of Labor encourages direct resolution by labor representatives and employers. The Government can and does select labor representatives. The election of representatives also is influenced by the relationship between clan elders and clans with unions and workforces. Workers or employers may request formal administrative hearings before the Ministry's inspection service; however, critics claim that the service suffers from poor enforcement, due to its low priority and inadequate funding. The law prohibits antiunion discrimination, and employers found legally guilty of discrimination are required to reinstate workers fired for union activities; however, the Government does not enforce the law.

An export processing zone (EPZ) was established in 1994. Firms in the EPZ are exempt from the Government's social security and medical insurance programs. Instead they must provide either government or private accident insurance. Employers within the EPZ have authority to pay less than minimum wage, offer less annual leave than the rest of the country, and in the EPZ the work week is longer (see Section 6.e.). Plans for the EPZ largely have failed; and it does little business and employs few persons.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor; however, there were reports that members of the security forces sometimes compel illegal immigrants to work for them under the threat of deportation.

The law prohibits forced and bonded labor by children, and there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits all labor by children under the age of 14, but the Government does not always enforce this prohibition effectively, and child labor, although not common, exists. A shortage of labor inspectors reduces the likelihood of investigation into reports of child labor. Children generally are not employed for hazardous work. Children may and do work in family-owned businesses, such as restaurants and small shops, at all hours.

The country has not ratified ILO Convention 182 on the worst forms of child labor.

The law prohibits forced or bonded labor by children, and such practices are not known to occur.

e. Acceptable Conditions of Work

Only a small minority of the population is engaged in wage employment. The Government administratively sets minimum wage rates according to occupational categories, and the Ministry of Labor is charged with enforcement. The monthly wage rate for unskilled labor, set in 1976, is approximately \$125 (22,000 DF). Most employers pay more than the minimum wage. Some workers also receive housing and transportation allowances. The national minimum wage does not provide a decent standard of living for a worker and family. The Government owed 6 months worth of salary arrears to teachers, security forces, and civil servants at year's end (see Section 6.a.).

By law the workweek is 40 hours, often spread over 6 days. Some employers ask employees to work up to 12 hours per day and pay them an additional wage. Workers are provided daily and weekly rest periods and paid annual leave. The Ministry of Labor is responsible for enforcing occupational health and safety standards, wages, and work hours. Because enforcement is ineffective, workers sometimes face hazardous working conditions, particularly at the port. Workers rarely protest, mainly due to fear that others willing to accept the risks may replace them. There are no laws or regulations permitting workers to refuse to carry out dangerous

work assignments without jeopardy to continued employment.

Only legal foreign workers are protected under the law; undocumented workers are detained and deported.

f. Trafficking in Persons

There is no specific law prohibiting trafficking in persons; however, there were no reports of persons being trafficked to, from, or within the country.